

Serial No.: 09/818,313

REMARKS

Thorough examination by the Examiner is noted and appreciated.

Claims have been amended to clarify Applicants disclosed and claimed invention.

Support for the amended claims is found in the original claims and/or Specification, including Figure 2. No new matter has been entered.

Premature Finality of Office Action

Applicants respectfully request Examiner withdraw the finality of his Office Action as premature. Since new rejections have been made of prior art not of record e.g., Nyugen et al. including new rejection of unamended claims, Applicants respectfully request withdrawal of finality of rejection should Examiner conclude the claims are not in condition for allowance. See e.g., MPEP 706.07(a).

Furthermore, a second or any subsequent action on the merits

Serial No.: 09/818,313

in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17 (p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Claim Rejections under 35 U.S.C 102(e)

1. Claims 1-6, and 13-18 stand rejected under 35 U.S.C 102(e) as being anticipated by Nyugen et al. (US 6, 122, 566).

Nyugen et al. disclose a multiple chamber processing system with a multi-tasking process control including a processing sequencer which can look ahead in the process sequence and identify a deadlock work piece (see Abstract; col 2, lines 40-43).

Nyugen et al. teach that the problem to be overcome is the occurrence of a "**deadlocked**" **process wafer** which is caused by a destination processing chamber being blocked (busy) due to the processing of another wafer. (see col 2, lines 8-24). Thus the method and apparatus of Nyugen et al. operates as a **rescheduler** once the **deadlocked wafer processing** situation occurs (see col 2, lines 35-38; lines 53-57; lines 65-67; col 3, lines 1-3; lines 11-15; lines 16-17; col 3, lines 18-23; lines 26-27).

Serial No.: 09/818,313

Thus, the method of Nyugen et al. operates by **first identifying a deadlocked chamber during the processing of several wafers and then taking steps to reschedule the processing sequence for the deadlocked wafer.**

In contrast, Applicants disclosed and claimed invention first schedules the process and selects the chambers prior to processing the wafer to avoid inefficiencies such as deadlock wafers. Thus, Nyugen et al. do not disclose or suggest several elements of Applicants disclosed and claimed invention:

"first defining for each chamber within the series of chambers a minimum of one fabrication process to provide a series of fabrication processes corresponding with the series of chambers, wherein at least one fabrication process is undertaken within more than one chamber and at least one chamber has defined therein more than one fabrication process including the at least one fabrication process which is undertaken within more than one chamber;

then selecting the at least one chamber for processing a substrate while employing the at least one fabrication process which is undertaken within more than one chamber, the at least one chamber selected to optimize utilization of the multi-chamber fabrication tool;

Serial No.: 09/818,313

then processing within the multi-chamber fabrication tool the substrate while employing the at least one fabrication process which is undertaken within more than one chamber."

Nyugen et al. is clearly insufficient to anticipate Applicants disclosed and claimed invention.

Since Examiner has not made out a *prima facie* case of obviousness with respect to Applicants independent claim, neither has one been made out with respect to Applicants dependent claims.

Based on the foregoing, Applicants respectfully request Examiner allow entry of the amendments to place the Application in condition for allowance or to withdraw Finality of Rejection. Applicants respectfully submit that the Claims are now in condition for allowance. Such favorable action by the Examiner at an early date is respectfully solicited.

In the event that the present invention as claimed is not in a condition for allowance for any other reasons, the Examiner is respectfully invited to call the Applicants' representative at his Bloomfield Hills, Michigan office at (248) 540-4040 such that necessary action may be taken to place the application in a

07-29-'05 14:10 FROM-TUNG & ASSOCIATES

12485404035

T-394 P12/12 U-627

Serial No.: 09/818,313

condition for allowance.

Respectfully submitted,
Tung & Associates


Randy W. Tung

Reg. No. 31,311

Telephone: (248) 540-4040

10